

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	Chapter 7
)	
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-BHL-11
)	
Debtor.)	Hon. Basil H. Lorch III

**MOTION TO SHORTEN AND LIMIT NOTICE ON MOTION FOR ORDER
APPROVING STORAGE AND SERVICE AGREEMENT BY AND BETWEEN
TRUSTEE AND THE DATA VAULT**

James A. Knauer, as chapter 11 trustee (the "Trustee") for Eastern Livestock Co., LLC, by counsel, files this motion ("Motion") and respectfully requests that the Court enter an order setting the *Motion For Order Approving Storage And Service Agreement By And Between Trustee And The Data Vault* ("Storage Agreement Motion")¹ filed by the Trustee on September 19, 2012 (Docket No. 1431) for an expedited telephonic hearing on limited notice. In support of this Motion, the Trustee states:

1. The Storage Agreement Motion requests entry of an Order authorizing the Trustee to (i) enter into an agreement with The Data Vault for the storage of excess books and records and (ii) destroy books and records that are either duplicative or were created more than seven years ago. The relief requested by the Storage Agreement Motion will save costs and conserve estate resources. The Trustee requests that the Court set the Storage Agreement Motion for a telephonic hearing on shortened notice because the Trustee needs to relocate the applicable books and records during the first week of October, prior to the October 9, 2012 auction of Debtor's remaining personal property located at the New Albany office space.

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Storage Agreement Motion.

2. No party will be harmed by granting the relief requested by the Storage Agreement Motion on an expedited basis and such relief will benefit all creditors.

3. Pursuant to Bankruptcy Rule 2002, all "parties in interest" must receive, with certain exceptions, notice of, among other things, the "proposed use, sale, or lease of property of the estate other than in the ordinary course of business, unless the court for cause shown shortens the time or directs another method of giving notice." (Bankruptcy Rule 2002(a)(2)).

4. As a result, Trustee is required to serve notice of the Storage Agreement Motion on all parties unless the Court, for cause shown, authorizes limited notice of the Storage Agreement Motion. There are currently over 1,400 creditors on the notice list in this case.

5. Given a) the large number of parties in interest in this case, b) the limited resources available to the Trustee, and c) the noncontroversial relief requested by the Storage Agreement Motion, the Trustee seeks a Court order limiting notice of the Storage Agreement Motion to parties that already receive notice via the Court's electronic noticing system. Absent this relief, Trustee would be required to expend substantial and disproportionate sums in copying costs, postage charges, and other handling expenses associated with mailing the Storage Agreement Motion to over 1,400 creditors. The Trustee therefore asks that the Court enter an order limiting notice of the Storage Agreement Motion as requested herein.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order (1) setting the Storage Agreement Motion for telephonic hearing on or before October 1, 2012, (2) shortening and limiting notice thereon, and (3) granting the Trustee such other and further relief as is just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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